



DEPARTMENT OF THE AIR FORCE

WASHINGTON, D.C.

OCT 28 1988

Office of the Assistant Secretary  
AFBCMR 98-01522

MEMORANDUM FOR THE CHIEF OF STAFF

Under the authority of Section 1552, Title 10, United States Code and AFI 36-2603, and having assured compliance with the provisions of the above regulation, the decision of the Air Force Board for Correction of Military Records is announced, and it is directed that.

The pertinent military records of the Department of the Air Force relating to [REDACTED], be corrected to show that on 23 December 1988, he elected under the Survivor Benefit Plan to change his "spouse coverage" to "former spouse coverage," naming [REDACTED] as former spouse beneficiary, based on full retired pay.

A handwritten signature in cursive script that reads "Donna Pittenger".

**DONNA PITTENGER**  
Chief Examiner  
Air Force Board for Correction  
of Military Records



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, D.C.

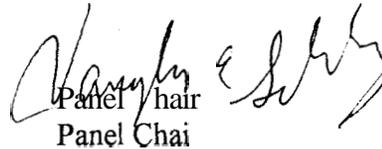
OCT 28 1998

Office of the Assistant Secretary  
AFBCMR 98-01522

MEMORANDUM OF CONSIDERATION OF APPLICATION BEFORE THE AFBCMR

SUBJECT: [REDACTED]

Having carefully reviewed this application, we agree with the recommendation of the Air Force and adopt the rationale expressed as the basis for our decision that the applicant has been the victim of either an error or an injustice. Therefore, under the authority delegated in AFI 36-2603, the applicant's records will be corrected as set forth in the accompanying Memorandum for the Chief of Staff signed by the Executive Director or his designee.

  
Panel Chair  
Panel Chair

Attachment  
Ltr, AFPC/DPPTTR, dtd 14 Sep 98



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE PERSONNEL CENTER  
RANDOLPH AIR FORCE BASE TEXAS

14 SEP 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPTTR  
550 C Street West Ste 11  
Randolph AFB TX 78150-4713

SUBJECT: Application for Correction of Military Records

Requested Correction: The applicant is requesting corrective action to show he filed a timely election for former spouse coverage under the Survivor Benefit Plan (SBP) to comply with his divorce decree.

Basis for Request: The applicant claims SBP coverage was canceled after his divorce and he failed to reinstate the coverage.

Background: A spouse loses eligibility to receive an SBP annuity upon divorce. However, the law provides two mechanisms for changing spouse to former spouse coverage. Both must be exercised within one year after divorce: the retiree may file an election change, or the former spouse may request the retiree be deemed to have made such a change on his or her behalf. In the latter case, the former spouse must provide legal documentation that the member agreed, or the court ordered the member, to establish former spouse coverage. If neither the member nor former spouse requests the election change during the one-year eligibility period, former spouse coverage may not be established thereafter.

Facts: The member, a Reservist who turned age 60 on 14 Dec 83, elected spouse SBP coverage when he became entitled to receive retired pay. The parties divorced on 22 Dec 88 and the final divorce decree required SBP coverage be continued. The finance center learned of the divorce and stopped deducting SBP premiums from the applicant's retired pay effective Feb 89. Records indicate the finance center sent a fact sheet about former spouse coverage and the form to elect former spouse coverage to the applicant on 17 Feb 89, but he failed to return the required paperwork.

Discussion: Although neither the applicant, nor the former spouse made an election change request during the required time limit, to deny the request would be to deny his former spouse an asset awarded to her by the court.

Recommendation: Although there is no evidence of Air Force error, to preclude a possible injustice, we recommend the member's record be corrected to reflect that on 23 Dec 88 he elected to change SBP spouse coverage to former spouse coverage based on full retired pay, naming [REDACTED] as the eligible former spouse beneficiary. Approval should be contingent upon recoupment of all applicable premiums.

PAT PEEK, DAFC  
Chief, Retiree Services Branch  
Directorate of Pers Program Mgt

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